

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Notice of Non-responsive Amendment mailed October 7, 2003. Also submitted is a petition to revive the application as having been abandoned unintentionally.

The notice of non-responsive amendment was discussed by the undersigned with Examiner Garcia for clarification. In that discussion it was agreed that the remaining lack of complete responsiveness to the previous Action was due to the fact that the main claim as amended still included the possibility of the claimed compounds having bicyclic core rings.

Applicants wish to express appreciation for the further opportunity to discuss the notice of non-responsive amendment with Examiner Shibuya. In that discussion claim 113 as amended above was discussed. Examiner Shibuya advised that the amendment appeared to meet the objections in the Notice of Nonresponsive Amendment, but that he could not determine at that time whether the amended claim was properly supported by the specification or might contain new matter.

Applicants submit that amended claim 113 does not introduce any new matter into the application, but is merely another way of depicting the elected compounds without using exactly the same symbols as in the previous text of this claim.

The intent of this amendment was to delete from the present claims the possibility of the compounds having bicyclic cores. This possibility existed because of certain possible moieties for Q^3 and Q^4 in the initial formula. Once these possibilities are deleted from the claims, the moieties remaining for Q^3 were $C(O)$ and CH_2 , and for Q^4 were $CH(M')$ and $C(O)$. From the above amendment, it can be seen that Q^3 of the initial formula has been replaced by a ring carbon atom to which are attached two moieties, M^5 and M^6 . The possibilities for $C(M^5M^6)$ are carbonyl and methylene groups. Q^4 of the initial formula has been replaced by a ring carbon atom containing two moieties, M^3 and M^4 . The possibilities for $C(M^3M^4)$ are carbonyl and $CH(M')$ groups.

Applicants thus submit that while the specification does not define the compounds in terms of groups M³-M⁶, the use of these definitions does not add new matter.

Applicants note that Claim 134 is a new claim in this application. It defines specific amino side chains R, R¹ and R². The specification does not explicitly list all of the possibilities that are mentioned in this claim. However the claim is nevertheless considered supported by the specification.

On page 9, in discussing the nature of groups R, the specification states that the term "amino acid side chain" is given by reference to (and incorporated by reference to) WO 07/15577 and includes groups that correspond to (though not necessarily limited to) those found in natural amino acids and derivatives and in common unnatural amino acids. Examples of side chains given in the specification include those for glycine, alanine, phenylalanine, valine, proline and others. Applicants submit that this disclosure supports claim 134.

Applicants believe that the claims reading on the elected material are claims 113, 119-127 and 134-144.

Referring to the previous response, Applicants submit that claim 108 (Group LXX) should be examined with the elected claims, as it defines a library of peptide mimetics containing at least one compound of claim 113. Its search will thus be co-extensive with that for claim 113 and other claims dependent on that claim; its inclusion in the elected group of claims is proper and appropriate.

Applicants also repeat the previous traverse to the requirement for restriction insofar as it applied to claims of groups LXXI, LVII and LVIII.

Applicants also note that the previous Office Action did not include claims 109-112, which were submitted by facsimile transmission on December 18, 2002. but apparently were not entered. Submitted herewith are copies of that amendment and of the acknowledgement of receipt of the facsimile by the USPTO. Entry of these claims is respectfully requested. Applicants note, however, that these claims would fall within the purview of nonelected claims.

Appl. No. 09/647,054
Amdt. dated May 20, 2004
Reply to Office Action of October 7, 2003

PATENT

CONCLUSION

In view of the foregoing, Applicants believe that this application is now in condition for examination.

If the Examiner believes a telephone conference would further expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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